IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.552 OF 2007

Shri Sakharam Vikram Wagh ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri A.R.Pitale, adv. for the Applicant.
Smt.R.M.Gadhvi, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 7th March, 2007.

P.C.:

1. Heard Mr.Pitale, the learned counsel for the applicant and Ms.Gadhvi, the learned APP for the State. Perused the F.I.R. and police papers.

2. The applicant, who is a politician and Sarpanch of Village Dhasai, seeks anticipatory bail in crime no.54 of 2006 registered at Shahapur Police Station under the offence punishable under Section 306 of the I.P.C.

3. The prosecution case in brief, is that the present applicant, alongwith his daughter, used to live in the house of one Kacharu. Kacharu was married about 3 years prior to the incident of this case. His wife Kusum used to look after the daughter of the present applicant. It appears that during that period the

present applicant and Kusum developed illicit intimacy and on one occasion, during Diwali festival of 2005, Kacharu saw his wife and the present applicant in compromising position. Therefore, Kacharu beat his wife. His brother tried to advise Kusum and she assured that she had no illicit relations with the present applicant. On the next day Kusum left the house of her husband and went to her parents house. After that on the same day the present applicant severely beat Kacharu merely because he had beaten his wife and she had left the village. He also gave threats to kill Kacharu. Not only that day but also thereafter from time to time the present applicant beat, abused and threatened Kacharu sometimes on account of open land belonging to Kacharu, sometimes to prevent him from casting vote, sometimes for not voting in his favour but behind all this, the main reason was the illicit relationship of the present applicant with the wife of Kacharu. On 24-3-2006, being completely frustrated, Kacharu committed suicide by setting himself ablaze. After the fire was extinguished, Kacharu was repeatedly saying that the present applicant had spoiled his marital life and therefore, he had immolated himself. Before he could reach the hospital, he died because of the burn injuries. F.I.R. was lodged by his mother on 2-4-2006 and the offence under Section 306 of the I.P.C. came to

be registered against the present applicant.

4. The learned counsel for the applicant contends that he is the political worker and also respectable person in the area and in this case he is apprehending arrest therefore, he seeks anticipatory bail. According to him, he never absconded and to substantiate this he has produced xerox copies proceeding rules of the Grampanchayat to show that from time to time he used to attend and preside the meetings of Grampanchayat. Merely because he had attended the meetings of the Grampanchayat, he can not be granted anticipatory bail in such a serious offence. From the record it appears that the present applicant using his political and muscle power had made the life of Kacharu miserable and thus, compelled him to commit suicide. It is not the case where somebody is likely to be arrested on a false charge because of any political, social and economic reason. On the contrary, the applicant himself is miscreant and it will not be desirable for this Court to grant relief of anticipatory bail to him.

5. Application stands rejected.

(J.H.Bhatia,J.)